### ERMINE TO PROTECT DEVERY?

NO, SAYS CARLISLE, ARGUING IN THE ONEILL CASE.

Yes, Says Untermyer, Devery Is a Judge and Can't Be Arrested for Oppressing emen at Trials -7,500 Policemen Await the Court's Decision.

Whether or not Devery is a Judge, immune from arrest for oppressing police-men at police trials, and whether or not Jerome is so biased as to be prohibited by Supreme Court writ from examining Devery on the charge of oppressing Policeman Oneill was argued at great gth yesterday before Justice O'Gorman of the Supreme Court, who reserved his decision on the motion to make the writ of prohibition absolute. Said Samuel Unter-

Whenever a spectacular job is to be done Justice Jerome selects himself for that purpose. In his attacks on the police he has been unremitting and he has acted in a most undignified manner. He has gone into the home of people with a jimmy and a pistol, has broken open doors and samined witnesses upon subprenas issued by himself without the slightest warrant of law. His acts tend to disgrace the law and bring justice into contempt, and he is a candidate for public office at the hands of the people. We say that this last attempt of Mr. Jerome to sit upon Devery caps the climar."

Mr. Untermyer said they "sneered at Devery's English," but they could not ex-pect to have a policeman speaking the English of a college graduate and wearing

Ex-Secretary John G. Carlisle, on the other side, said that it was not necessary to know grammar in order to use indecent and violent language. He would ignore the accusation of bias against Justice Jecome. The whole case turned on the point the accusation of bias against successful to the point whether Justice Jerome had jurisdiction, of which there could be no doubt.

Lawyer Untermyer interposed that Justice Jerome could not hear Devery's case because Devery was acting as a Judge.

Mr. Carlisle replied:

"I do not care whether he is a judicial officer or not. I don't care whether, when Devery told this man Oneill he ought to have been thrown out of the window he was exercising a judicial function or

whether he was merely giving expression to his dislike of this policeman. That is not the question here.

He said that if Devery oppressed he was liable to arrest whether he was a judicial officer or not. Although it would not matter if he was a judicial officer, Devery would not come under that term. He is

center or not. Although it would not matter if he was a judicial officer, Devery could not come under that term. He is an executive officer of the Police Department and his powers are disciplinary and not judicial. Justice Jerome cannot try the case. He can only discharge Devery or hold him for the Grand Jury. The Grand Jury might not indict Devery after Jerome had held him, and if Jerome discharged him the Grand Jury might still indict him.

Assistant District Attorney Gans said it was hoped that in the Devery case the 7,500 policemen in the city would ascertain if they must continue to be insulted by a man like Devery. The District Attorney wanted to stop the practice of having policemen called such names as burns.

Lawyer Elkus argued from several cases, and the Court reserved decision. Justice Jerome postponed the examination of Devery for another day.

GLENNON CASE GOES OVER A WEEE.

GLENNON CASE GOES OVER A WEEK.

The motion of Lawver James W. Ridgway for the dismissal of the indictment against Wardman Edward G. Glennon of the Tenderloin on charges of neglect of duty was adjourned a week yesterday by Judge Foster in General Sessions. When Mr. Ridgway gave notice of his pending motion be said it was on grounds of insufficient and illegal evidence before the Grand Jury. The notice of motion was served before Mr. Ridgway had obtained permission to inspect the Grand Jury's minutes. Mr. Ridgway said yesterday GLENNON CASE GOES OVER A WHEE. permission to inspect the Grand Jury's minutes. Mr. Ridgway said yesterday that he had not yet received the minutes. Assistant District Attorney Garvan asked Assistant District Attorney Garvan asked to have the motion dismissed and said that Mr. Ridgway was in contempt of court in making a frivolous motion when he hadn't seen the minutes. Mr. Ridgway answered hotly that the District Attorney was in contempt himself in not having furnished the minutes as directed by Judge

"If the District Attorney were punished for contempt of court as often as he is in contempt he would spend half his time in jail," said he. Judge Foster broke in with the permission to Ridgway to take a week longer examine the minutes.

#### ALLEGED HEMP COMBINATION. Senate Committee Investigating Charges Against Army Officers.

WASHINGTON, Sept. 30.- The sub-committee of the Senate Committee on Military Affairs to investigate the charges preferred by E. L. Hawkes of a combination among officials of the War Department and others to control the hemp output of the Philippine Islands, to-day began the taking of

Lieut.-Col. H. O. S. Heistand of the Adjutant-General's Department, against whom the principal charges were directed, testi-He said that the enterprise proposed was, in his opinion, a perfectly honorable and legal one, in which any person might engage. He made no secret of a prospective connection therewith and frequently spoke of it to friends. As regards Major Hawkes's interest in the proposed hemp concern. Col. Heistand said that the Major was engaged as an interested party to gather statistics and information concerning the cost of machinery. A letter had been given Major Hawkes signed by Mr. Boyd, then Assistant Attorney General, Assistant Secretary Meiklejohn and himself, stating the object of his work, and expressing confidence in his ability and integrity. Not long afterward Col. Heisintegrity. Not long afterward Col. Heis-tand had caused the letter to be returned to him, because it was reported that Major Hawkes was using it as representing the signatory persons. When asked regarding e report, Major Hawkes denied the charge indignantiv.

time thereafter Col. Heistand received a letter from Major Hawkes say-ing that he had spent money, whereupon he, Col. Heistand, offered to share with him. After that he took no further inhim. After that he took no further in-terest in the affair, through failure to raise sufficient funds, and went abroad. Upon arriving in Europe he received a letter from Major Hawkes demanding money. He wrote to Major Hawkes telling him to He wrote to Major Hawkes teiling him to submit his account for consideration, which was done. Hawkes presenting his bill for \$1,885, including an item for four months' personal service at \$250 per month, to-gether with a threatened suit for the amount. As Major Hawkes, in his opinion,

Heistand anogest signed a release.

Upon leaving Paris, Col. Heistand was surprised to receive a letter from Major Hawkes, together with copies of his appointment as tustoms Inspector al Marita. This letter, Col. Heistand was a threat-ening one, in which the writer heasted of the falsehood and decembers by which has been supposed to the falsehood and decembers. I would be the falsehood and decembers and the falsehood and decembers. I would be the falsehood and decembers and the falsehood and decembers. I would be the falsehood and decembers are the falsehood and decembers. I would be the falsehood and decembers are the falsehood and decembers. I would be the falsehood and decembers are the falsehood and decembers and the falsehood and decembers. in China he had received another threaten-ing letter saving that Hawles would give

CHAMBERLIN'S CLOSED.

A "To Let" Sign on the Door of the Fa mous Washington Hostlery. WASHINGTON, Sept. 30 .- "Chamberlin's,"

thing of the past. It is permanently closed and a big "to let" sign is posted on the door, through which for many years until the past summer the most prominent men of the country, politically, socially, finanfor the Good of the Service, Boys." cially and otherwise, came and went. The closing of Chamberlin's is popularly regarded as marking the end of conditions inder which the hostelry was established.

As was said to-day by a former frequenter of the hotel, it is no longer possible to legislate through the stomach, and that is why Chamberlin's is no more. Prior to the establishment of the clubhouse at Fifteenth and H streets, where it has been located for twenty years, John Chamberlin had been the host of two other Washington houses one on the present site of the Army and Navy Club and another on New York avenue short distance away, afterward the headquarters of the Y. M. C. A. When he opened "I don't know that it was. I took that the place whose career has just ended it at once became the meeting place for those who were tempted by the fame of the dishes prepared according to the recipe of the famous bon vivant, whose popu-

Chamberlin's early became more than a hotel, more than a club, and developed into the closest of close corporations. John" was the loadstone which brought together under the roof of his hostelry he representative gathering always to be found there during his life. There, between the courses of his unequalled viands. politics were discussed with all the free dom possible. Every fellow around the board was rated a jolly good one, regard-less of his nationality, religion or politics. Sometimes bad blood came to the top with the good wine, and then there was trouble Thus, in their moments of relaxation, would the statesmen gather and battle with the cards for stakes the amount of which would have filled their constitu-ents with amazement. There are many ents with amazement. There are many men in official life to-day who can remember the night when a Cabinet officer in discussing with another member of the President's official family some question President's official family some question of national import, grew heated through force of argument or flush of wine and struck his colleague in the mouth with his clenched fist. The participants immediately retired to a private room with their friends, where the name of the historic duelling ground of Bladensburg was again brought into prominence and there was much talk of "honor" and "satisfaction." The matter was peacefully ad-

larity continued to the day of his death.

tion." The matter was peacefully adjusted, largely, it is said, through the intercession of Chamberlin himself and by the exercise of his personal influence other famous quarrels occurred, as when

Other famous quarrels occurred, as when two United States Senators rolled about the floor in close embrace during a poker game, when one was accused of playing a bobtailed flush.

On the death of John Chamberlin at Saratoga the hotel bearing his name passed into the hands of Edward K Somborn, his intimate friend and financial backer in many of his undertakings, and it was continued for the benefit of Mrs. Chamberlin under the name that had made it continued for the benefit of Mrs. Chamberlin under the name that had made it famous. But while many of the intimates of Chamberlin stopped there for old association's sake while in Wahington, the place had lost its prestige and gradually but surely slipped out of popularity. It was continued under the same management until last spring, when it was closed for the summer months. Recently the "to let" sign was posted and Mr Somborn announced that he would resume the management of the house. When Chamberlin died it was found that a host of men, many of them being prominent in Congress and out of it, owed him large sums of money. Very little of it was collected. John Chamberlin never pressed his friends of money. Very little of it was collected. John Chamberlin never pressed his friends for payment, and they took advantage of his generosity and lax business methods. He had many friends among the wealthiest and most influential men of the country. His place did a big business, but he died

#### GEN. BELL TO BE RETIRED. Veteran Fighter Will Reach Age Limit

in Service To-day. WASHINGTON, Sept. 30.—An order retiring said issued by the War Department to-morrow when Gen. Bell will reach the age of 60 years. He entered the Regular army in 1860 as a Second Lieutenant of the 7th Cavalry, but had previously served during the Civil War in the 86th Ohio Infantry and 13th Percent varies of a proposed Pennsylvania Cavalry. He was promoted to First Lieutenant of the 7th Regular avairy in 1867, to Captain in 1876, and Major of the 1st Cavairy in 1896. On July 5, 1899, he was made Colonel of the 27th Volunteers. which saw service in the Philippines, and in January, 1900, Lieutenant-Colonel of the 8th Cavalry. Ten days later he was made a Cavalry. Ten days later he was made a Brigadier-General. He returned from the Philippines several months ago and has since been on duty in the War Department.

POTOMAC MEMORIAL BRIDGE. President Roosevelt Approves the Scheme

and for an Arch in Honor of Mckinley WASHINGTON, Sept. 30 -President Roosevelt to-day gave his hearty approval to the scheme for building a memorial bridge across the Potomac River and for constructing at one end of the bridge a memorial arch in honor of the late President McKinley. A delegation representing the local G. A. R. posts and the National Memorial Bridge Association called on Mr. Roosevelt to-day and it was to them that he expressed his warm interest in the bridge project. It is proposed to hold a public meeting in Washington at an early date to forward the movement for a McKinley memorial arch, and President Roosevelt said he should be glad to write a letter to be read at the meeting.

#### PRESIDENT RECEIVES FILIPINOS. Mantia Merchant Gives Him a Gold-Mounted

Cane -Assurances of Loyalty.

WASHINGTON, Sept. 30 - President Roose welt received this morning F. Abreu of Manila and J. C. Abreu. The first named is a Filipino merchant who is visiting his nephew, J. C. Abreu, a student in the Columbian University in this city. They pre-sented to Mr. Roosevelt a bamboo cane, mounted with gold trimmings, and a quan-tity of cloth manufactured by Filipinos In making these presents they assured the President of the loval good will of a great majority of the Filipino people.

Army and Navy Orders. WASHINGTON, Sept. 30.—These army orders have been leviled second Levil. Alfred Hasbrouck, Artillery Corps, detailed as member of the board of officers at Fort en issued.

al Lieut. Affred Hasbrouck. Artillery Corps, as member of the board of officers at Fort vice First Lieut. William D. Connor, Corps. otten vice First Lieut William

d Engineers, telleted Second Lead Louis McL. Hamilton, Fourteenth
Second Lead Louis McL. Greenwell, from Fort had not been working as an employee, but as an interested party, he thought the former's bill exorbitant.

In conclusion Col. Heistand said that he made a proposition, which Major Hawkes accepted, to deliver into the accused officer's hames all correspondence that had passed between the two Hawkes, Col. Heistand allocations of the tween the two Hawkes, Col. Heistand allocations, eighed a release. Upon leaving Paris, Col. Heistand was surprised to receive a letter from Major.

These usual orders have been issued Local James C. Galinous, Fight the Franklin to the Assumance as missuants in the navigation of John M. Hodenn, to the Forence of Equip (1998). Thompson to be a pay directed with the control of th

THE WEBSTER LOSES GANNON

COL. MURPHY MOVES THE CAP-TAIN TO CENTRAL PARK. famous restaurant and clubhouse is a

Replaced by District Leader's Brother-in-Law - Waish Put Out of the Red Light District Three More Transfers -"All

Five police captains, including Capt. James Gannon of the East Twenty-second street station, who was so unfortunate as to be caught in the Webster Hotel when the place was raided by the Parkhurst society recently, were shifted around "for the good of the service" yesterday. Incidentally, two sergeants were made acting captains, one of them, "Paddy" Cray, filling Gannon's shoes as commander of the East Twenty-second street precinct. Gannon goes to Central Park. When ommissioner Murphy was asked if this ransfer was due to Gannon's solicitude for he Webster Hotel he said:

into consideration, of course. Mulberry Street thinks that Gannon ent to the Central Park flower beds because in Mr. Devery's phrase he was caught with the goods on him." It was said several days ago that he was about to go and that he would surely be succeeded Sergt. Cray, who is the brother-in-law Dock Commissioner Murphy, the Tammany leader in the Eighteenth Assembly district. The wise ones also predict that Cray will soon be elevated to the rank of

Capt. Charles Albertson was transferred from Delancey street to Eldridge street apt. Richard Walsh, best known in the partment as "Smiling Dick", has been sing a little house cleaning there. He to the Grand Central Station where there isn't anything much that a police

William Thompson is sent back Capt William Thompson is sent back to Mulberry street from Staten Island, where he rusticated this summer, and John M. Stephenson is transferred from Mulberry street to Delancey street. Albertson's transfer to Eldridge street is regarded as a rehabilitation for him. It was he whom Devery scored in the trial

room not long ago for not sticking by his wardmen when a poolroom in his precinct was raided by the vice crusaders. Sergt. Liebers, who is sent back to his old place at the sub-station at the Park sheepfold, has been in command of the lentral Park police since July, when Capt. Martens was transferred to Charles street, and in that time has made a good record himself. President Clausen of the Board said yesterday that Liebers

had made the best captain they had had n the Park since 1897, and he was sorry to "They were for the good of the service, boys," said Commissioner Murphy of the transfers. "I put Albertson in Eldridge street where President Rossevelt wanted him to go, when he was Police Commissioner. I understand that he was made

captain by Roosevelt "

"Why was Capt. Walsh sent to the Grand
Central Station?" Oh, he and Albertson are the same kind of men, you know. make any clearer what he meant by this

One significant fact about the transfers is that three of the precincts affected are in the Sixth and Eighth Assembly districts. It is thought that the changes there were made to please Senator Timothy "Dry Dollar" Sullivan. Commissioner Murphy only remained

an hour at Police Headquarters yesterday. Before he left for home he sent for the reporters and told them that he was ill A catarrhal cold from which he suffering for nearly two weeks had almost knocked him out, he said "It has not happened in many years that I have missed an hour from my work," said the Colonel, "but to-day I am going home to doctor myself."

home to doctor mysell.

Before he went the Colonel's attention
was called to the opium joint on West
Twenty-ninth street, described in yester-SUN. He took the number instructed Inspector Cortright to e an investigation. Then he expressed make an investigation. a desire to know more about the place.
"I really don't believe it, though," he

#### HARVARD STUDENT'S SUICIDE. Feared to Appear in a Case in Court in

Which He Was Chief Witness. Boston, Sept. 30 -It is apparent that the matter of the prosecution of an indictment against Joseph Fossa, accused of assault with intent to rob, caused the suicide of the chief witness for the Government, Leon I. Newton, a Harvard student. The latter drowned himself on Wednesday night in the Charles River. Young Newon feared the unraveling of a story which formed the basis of the defense and made every effort to prevent the case from going

On the night of June 23, Fossa save he was walking on Tremont street when he was approached by Newton, who spoke to him. Prompted by curiosity he walked with Newton part way across Boston Common and then became frightened and refused to go any further. Newton, he says, offered him money and Fossa says he struck Newton in the face. There was an interchange of blows and Newton, seeing he was getting the worst of the encounter. Prompted by curiosity he walked

change of blows and Newton, seeing he was getting the worst of the encounter, cried out. A patrolman heard the cry and promptly arrested Fossa on charge of assault and attempt to rob.

Newton went to Vermont, thinking the case would be called up during the summer and thrown out of court, owing to his failure to appear as a witness. He was disappointed, however. He was about the court on Tuesday, but did not appear aftercourt on Tuesday, but did not appear after-ward. The authorities are disinclined to believe that death was due to foul play. They are confide committed suicide confident that the young man

#### Robert P. Porter Talks Reciprocity With the President.

WASHINGTON, Sept. 30. Robert P. Porter. formerly special United States Commissioner to Cuba and Porto Rico, who has recently returned from Europe, called on President Roosevelt to-day to talk with him in regard to reciprocity. Mr. Porter said that it would be a serious matter of a retaliatory nature against us.

Rear Admiral Schley Calls on the President WASHINGTON, Sept. 30. Rear Admiral Schley was the earliest of President Rooseveit's visitors this morning. He went to the White House soon after 9 o'clock and met the President in the Cabinet room He remained only two or three minutes and said that he merely called to pay his re-

#### Treasury Bond Purchase

Washington, Sept. 30 - Purchases of bonds aggregating \$133,450 were made by the Treasury to-day. Of this amount \$5,000 were 3 per cents of 1908; \$9,950 were orders relating to Capt Julius T. Conrad. | 40 of 1907 and \$114,900 were 4x of 1925. The and founds purchased by the Treasury now buly t is \$71,093,150, at a cost of \$57,

Appointments in the Nava.

the heartsage as insurance to the formular point formular in the navigator and correspondence in retained to the press. The partition of the participant formular in the participant formular in the navigator of the navigator of the participant formular in the navigator of the navig

M'KINLEY GUARD OVERWROUGHT OAKES BOY SPURNS MOTHER. Little Credence in the Story That Prowlers

Were Near the Tomb CANTON Ohio Sept . 30 .- Capt. Biddle, Company C Fourteenth Infantry U. S. A., now guarding President McKinley's tomb said to-day regarding the firing of a shot

by a sentinel last night "I think the sentinel deceived himself. do not think an actual attack was made. When daylight came there was no evidence

of a struggle. This statement made by Capt. Biddle is he only expression in which any of the officers so far have allowed themselves to be quoted in connection with the strange story that came from Westlawn Cemetery last night. Private Deprend, who fired that aroused the whole camp, said that his aim was directed at a man stealthily caught his gun and attempted to stab him in the abdomen. He still adheres to the story. At least one commissioned man story. At least one commissioned mar also believes that an attack was attempted

It was the real thing and was the re suit of pure cussedness. Some people would like to see everything here destroyed to bring further reproach—upon the Gov-

Most of the other soldiers have passed most of the other solutions have passed from conviction last night to doubt to-night while disbelief is the prevailing sentiment among the people of the community. None is more emphatic in expressions of dis-belief in any real intention on any one's part to desecrate the tomb than the family of the late President McKinley and their most intimate friends. Probably the most common belief is that Sentinei Deprend fired a shot at a phantom which the loneof his position conjured in him, fell over with the discharge of the gun him, fell over with the discharge of the gun and rolled down the hillside to the vault gates, his imagination supplying the second man who caught the gun and made the knife thrust as well as the other details

which were reported.

This is believed to be the theory of several of the officers all of whom seem to think well of Deprend and that he told what believed to be a true story. He obliged to go over the whole narrative time after time to-day and it is said never varied

even in the matter of minor details. A close investivation was made as to his sobriety at the time which was established beyond reasonable doubt. Close inquiry beyond reasonable doubt. Close inquiry was also made without result as to whether personal troubles between soldiers might not have caused the incident. One theory has been advanced along the line of local men seeking revenge from the soldiers who have succeeded in winning considerable attention from Canton women. When visitors were numerous and the uniformed boys made many efforts at flirtation. A few days ago the officers in command issued orders prohibiting all women from ng the camp lines without passes

The whole matter has been reported detail to Gen. Otis at Chicago, who com mands the department to which the guard is attached. Whether a military inquiry will be conducted depends upon how the General views it. Officers here have expressed the hope that since no real harm has resulted, no formal action will be taken Biddle's doubt of the story began after his investigation was well under way to-day. Last night he, as well as his fellow officers and the mers in the ranks, firmly believed that prowlers had been seeking the vault for purposes unknown. The post where Deprend was on duty was near post where Deprend was on duty was near the vault's ventilator, a shaft extending from the top of the hill to the roof of the vault. It is a lonely spot after nightfall, iso-lated from the other guards and one well calculated to work upon the nerves. It is understood that hereafter the guard will be increased so that no one will be obliged to be so far from his comrades.

#### M'KINLEY WILL PROBATED. Vaine of the Estate Placed by Administrators at \$210,000.

CANTON, Ohio, Sept. 30.-In making application for letters testamentary today Judge Day and Secretary to the President Cortelyou said that the estate of the late President McKinley amounts to about \$210,000. Of this \$140,000 is in personal property and \$70,000 in real estate. No nventory of the property has yet been filed. At the request of the administrators Judge Jacob P. Fawcett, Postmaster George B. Frease, and H. W. Hossler were appointed appraisers and they will have pointed appraisers and in which to place

the formal schedule.

The formality of probating the will was accomplished to-day by the filing of the waivers by Mrs. Sarah Duncan and Miss Helen McKinley of notice and by the appointment of Judge Day and Mr. Cortelyou as administrators in response to the writ-ten recommendation to the court by Mrs. ten recommendation to the court by Mrs.
McKinley. The administrators' bond was
fixed at \$100,000 and was signed by William
R. Day, George B. Cortelyou, Austin Lynch,
Mary E. Day and Mary B. Barber.
Mrs. McKinley's condition remains practically the same. She took her usual drives
to-day and continues to hold her own. Mr.

Cortelyou expects to leave for Washington on Tuesday but will be in Canton soon to ttend to other matters in connection with state and with the personal business

A Sale of An Original Invoice of Oriental Rugs. 200 Fine Large Antiques, \$21.00. 200 Fine Antiques,

(smaller). \$15.50.

200 Average Size, \$6.85.

The above have not been sorted as to value, and present a rare opportunity to the purchaser.

At retail only.

Lord & Taylor, Broadway & 20th St.

# High Silk Hats

or Pl . s les sieps Part of Broadway

SRE'S SUING TO GET HIM AND BEING SUED FOR DIVORCE.

in Court When She Tries to Kiss Him Story of a Whipping Till He Lied About the Corespondent - Man in the Case, a Cuban Music Teacher, Missing. Paul Sullivan Oakes, 9 years old, and

ixty-one pounds, spurned tenders of affection on the part of his mother, Adeline Oakes, yesterday, in her effort before Justice Andrews in the Supreme Court to obtain the boy from her husband, Francis Oakes, who is President of the Oakes Manufacturing Company and wealthy The wife's writ of habeas corpus is a side issue to the action in which Oakes is seeking to divorce his wife and it threw some light on his accusations for divorce. The corespondent in the divorce suit is a Cuban music teacher, who has a studio at 1191 Broadway. He is called "Mario Del Sol, passing also as Albert Soler" in the papers

Oakes had taken the boy from the apart nents he formerly occupied with his wife at the Hotel Majestic to the Hotel Manhattan. Oakes has been married three times. By his first wife, who died, he had four children, all of whom are of age. It was while he was living with his second wife. Luella C. Oakes, that he started or the road to wealth through a process of dyeing colors fast. He erected a \$40,000

His second wife was accused by Oakes of heavy drinking so that she became at imes affected mentally. He had her out in a sanitarium. He obtained a divorce from her in December, 1894, and twelve days later married her cousin, his present wife, to whom he gave the house in As-toria. He has not lived in it for several

Oakes was in the Federal service, sta tioned at Fort Sumter when the fort was fired upon at the opening of the Civil War. He appears to be about 60 years of age. His whiskers and hair are gray. He went to court early yesterday with the boy and his counsel, John K. Erskine, Justice Andrews had not yet arrived when Mrs Oakes, in a close-fitting, dark costume

Oakes, in a close-fitting, dark costume, surmounted by a wide, red hat, arrived with Lawyer A. H. Hummel.

"Paul. Paul, my darling," she said as she went over and tried to kiss the boy.

"Don't," said the boy as if annoyed.

The boy moved away. As his mother tried to embrace him he tried to push her and said, "Go away." He wriggled out of her grasp and leaving her sobbing went over to his father.

over to his father.

Lawyer Erskine, when the Judge ar-rived, told of the incident to show that the boy had no regard for his mother. Lawyer Hummel hinted that the boy had been coached to play the part. Then Lawyer Erskine read this from an affidavit of Oakes: "That said petitioner would on the slight-est provocation whip the said child with a dog whip, and on one occasion absolutely stripped the child, put him to bed and whipped him with a dog whip until she drew blood. The occasion of this whipping blood. The occasion of this whipping was, so deponent has been informed by the maid, that the said child looked through the keyhole in a door at the Hotel Cecil London, where he saw Del Sol, the co-respondent named in this case. The mother learning for the first time that the boy was aware of said Del Sol's presence in the hotel, told the boy that it was not Mr. Del Sol, but a Mr. Clark that he saw. The child was compelled, before the whips ceased, to say that it was not Mr. Del

ceased, to say that it was not Mr. Del Soi that he saw through the keyhole.

Deponent further says that the said petitioner told him that while in London she had caught said child eavesdropping and that she had punished the child with a dog whip for his misconduct. That the said petitioner paid no attention to the child's religious training, but that the maid child's religious training, but that the maid had him say his prayers and took him to hurch and to Sunday school."
Oakes declares that the mother's Yeat

ment kept the boy's weight down to 51 pounds and that he has gained ten pounds since the change of custody on June 28 Oakes says he gave his wife sums of money amounting to \$1,500 to be deposited in bank Oakes avers that she has for the boy. Oakes avers that she has frawn out this money since the beginning of the year, as he is informed, to squander on Del Sol. Oakes says his wife, who was a dress-

maker when he married her, the services of Del Sol ostensibly he married her, procured for the stage. She said he was "a dramatic music teacher." He asserts that Del Sol is penniless and that at his wife's solicita-He asserts that Del Sol tion Del Sol was employed to play at a con-cert at the Hotel Majestic, for which Oakes gave him \$50. She went to Europe with the boy on May 23, 1900. Oakes did not know Del Sol was abroad. He says she bought a second-hand carriage for \$1,000 or \$1,500 abroad, and he is now informed that the money was paid to release Del Sol from some difficulty with a woman. Oakes from some difficulty with a woman. Oaker had given her \$7,000 or \$8,000 for the Euro had given her \$7,000 or \$8,000 for the European trip, which she spent in two months and a half. Oakes says he understands now that Del Sol accompanied her and Oakes paid for both. Still unconscious of the alleged attentions Del Sol was paying her. Oakes says he gave her \$2,000 for another month's trip to Europe last fail.

Part of the \$15,000 worth of furniture removed from the Astoria house, for which Oakes has brought a separate suit against his wife, he declares she used to furnish, up a studio for Del Sol at the Miller Building 1191 Broadway, where several of the charges of adultery are placed. He says that on

of adultery are placed. He says that on June 29, three days after the present divorce suit was started. Del Sol suddenly departed from the studio and went to Europe. The next day Oakes says he went to the studio and found a letter from the counsel for Mrs. Oakes to Del Sol saying that it was important for him to call at their office at once. Oakes says he recognized one of his own shaving sets in the studio.

the studio.

Oakes declares that his wife has developed extravagant tastes since their marriage. Sie was carrying on an insolvent dressmaking business when he married her, he says. He had paid off \$1,500 of her debts. He states that he told her she might order jeweiry to the amount of \$1,000 at one place. She made it \$0,000 and he paid the bill. He also says he is now being sued for a \$1,200 velvet coat which she ordered without his permission. Counsel for Mrs. Oakes obtained leave to reply to these allegations against her. to reply to these allegations against her. He also suggested that a reference be or-dered to pass upon the question of who is the better person to have the child. The

#### VENEZUELAN DENIALS. Reports of Disorder in the Capital Said to He Untrue.

Four cable despatches were received here yesterday from Caracas, each denying the reports that business houses in the Venezueian capital were compelled to close their doors because of the bad state of affairs existing there. G. Amsinck & Co. received two of these

messages. One from the Bank of Venezuela denied the story that it has refused t grant a loan asked for by President Castro The other despatch was from the Bank of Caracas and said. Reports absolutely false. Business normal."

Boulton, Biles & Dallett, had the same

advice from their Caracas house, which contradicts the reports that recreiants have found it impossible to continue basiness on account of government demands for funds Secretary-General J Torces Cardenas denies the reports, officially, in a cutic despatch to Consul-General Genzalez Esteves.

Mr. Iselin to Build Another Hospital Ward. MOUNT VERKON, Sept 30 - It is reported that Adrian Iselin, the New York banker who recently built a home for hospital convalescents on his land near Yonkers Park, is preparing plats for another build-ing. The new structure will be a frame-oue and will cost about \$50,000.

# Brain Brawn

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The secret of strength is perfect digestion. This applies to mental strength as well as physical strength and is perfectly logical if you think about it for a moment.

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is not a stimulant with a reaction. It is a glorious aid to natural laws. These statements are facts, and the unimpeachable record of over half a century proves it. You won't find weaklings, physically or mentally, among those who use Johann Hoff's Malt Extract with their meals.

Dr. L. J. Schofield of Warrensburg, Mo., writes I have been using Johann Hoff's Malt Extract in my practice and like it very much. It gives renewed and immediate strength while increasing appetite and digestion.

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Eisner & Mendelson Co., Sole Agents, New York.

SHOT BY HIS SON-IN-LAW Coal Dealer of Dunkirk, N. Y., Seriousi;

Wounded in a Family Quarrel DUNKIRK, N. Y., Sept. 30 .- A. D. Longhouse, a coal dealer of Dunkirk, was shot and probably fatally injured by his son-inlaw, Reuben Young of Fredonia, at 9 o'clock this morning. The shooting was in consequence of a family quarrel, because of which Longhouse had declared his in-tention to take his daughter home and had begun to remove furniture from the house. Young threatened to shoot him if he did not desist. Longcontinued and Young shot him

through the wounded man was taken to Dunkirk Hospital, where Dr. MacDonald Moore of Fredonia, assisted by Drs. Richards and Beardsley of Dunkirk and Richmond Fredonia, found that the bullet had after entering the right breast, penetrated the lung, fractured the seventh rib and lodged in the right side a little below the arm. It was removed. The doctor hat he had railied satisfactorily The doctors say effects of the operation, but that he a very critical condition. is in a very critical condition. Young made no attempt to escape, but accom-panied a neighbor to the village jail, wher-he is now in charge of Sheriff Cooper. He expressed sorrow for his act.

WOMAN KILLS A MOOSE.

Mrs. Frederick Schavolr of Stamford Brings Down & Fine Specimen. STAMFORD, Conn., Sept. 30. - Mrs. Frederick Schavoir, wife of Dr. Frederick Schavoir of Hope street, had an exciting adventure in the forests of New Bruns-wick last Friday. With her husband and guide, Asa Marston, s moose. Sighting a large bull moose, with huge antiers, Mrs. Schavoir fired. Her aim was true and the first and second shots

hit the animal and wounded him severely. Infuriated with pain the moose turned and seeing Mrs. Schavoir, charged her. Mrs. Schavoir never lost her nerve, and as the bull came on she aimed carefully and fired again, hitting the animal. A fourth shot when the moose was almost when the moose was almo upon her dropped the animal. Guide Marston was enthusiastic over Mrs. Scha-voir's pluck and skill. This is the second voir's pluck and skill. This i moose to fall before her gun.

AFTER SPOOK BANK ROBBERS. Cashier Welss Gives Up His Quest and Has Disappeared.

New Orleans, Sept 30.—The cashler of the Teutonia Bank of New Orleans has resigned. At present his whereabouts is unknown and his books are being examined. but it is not believed that anything is wrong in that direction. The cashier is named W W Weiss, and he came suddenly into w W Weiss, and he came such as public notice a few months ago by chasing spook bank robbers through spirit advice. He held seances with a long-haired clair-voyant to determine the hiding piace of missing cash. He followed mystic clues for several nights, but found no money. He is now a complete nervous wreck and has gone to Ohio or Pennsylvania, where he has relatives.

New Pavilion for Private Patients Will Cost \$300,000.

The trustees of St. Luke's Hospital voted last night to annul the contract between the hospital and the House of Rest for

drawn for a new pavilion for private pa-tients at the northwest corner of the grounds at 113th street and Morningside on these lines will be sold by the com avenue. The pavilion is to cost \$300,000 at prices varying from \$2,500 to \$3,000

## SCANNELL INDICTMENT FAILS.

BECAUSE LAWYER ORDWAY WAS IN GRAND JURY ROOM.

That's the Sole Reason, and the District Attorney May Resubmit the Case Indictment Against W. L. Marks Dismissed With That Against Scannell

Justice Gildersleeve of the Supreme Court dismissed yesterday the indictments against Fire Commissioner Scannell for neglect of duty and conspiracy to defraud city and against Scannell's friend, W. L. Marks, for conspiracy with Scannell to sell supplies to the city at exorbitant prices. Justice Gildersleeve dismissed the indictment solely because Lawyer Samuel H. Ordway, the special counsel retained by District Attorney Philbin to work in conjunction with Assistant District Attorney Train, was illegally in the Grand Jury room while the cases were being consid-

ered. On this point the Justice said:

The only persons who are permitted to be present during a session of the Grand Jury when the charge is being considered are, first, the Court: second, the District Attorney, third, the witnesses. I am unable to find anywhere in the statutes of this State declaratory of the official rights and duties of the prosecuting officer of this county any other than the single expression. District Attorney. Mr. Ordway was not the District Attorney, he was not Assistant District Attorney, he was not the Court; he was not a witness. He was special counsel, employed by the District Attorney. It is not claimed he was a public officer, and is conceded he took no official oath.

Justice Gildersleeve gave permission to ered. On this point the Justice said:

Justice Gildersleeve gave pern the District Attorney to resubmit the case. District Attorney Philbin would say nothing at all about what his further procedure

CHILD TIED TO THE TABLE. Left Alone While Her Parents Went Out for Amusement Mother Arrested.

The Children's society was informed by telephone on Sunday afternoon that five-year-old girl named Jennie Rice had been left tied to a table in her home at 143 West 117th street Agent Agnew, who was sent to investigate, found the girl alone in the dining room with one end of a rope tied around her waist and the other end tied to a leg of a table. He climbed through the window and released her.

The girl's parents were not found until vesterday. When Agnew arraigned them before Magistrate Crane in the Harlem police court, the mother said that she had not intended any harm. Her husband, who is the girl's stepfather, had refused to let her take the child with them when they went out and so she had tied the rope around Jennie to prevent her from falling out of the window.

Magistrate Crane adjourned the hearing until Wednesday and ordered Agent Agnew to investigate. Meantime, the girl was kept in the care of the Children's society. The mother was paroled. Her husband, not intended any harm. Her husband

TO ADD TO ST. LUKE'S HOSPITAL.

The mother was paroled. Her husband, Harry Rice, said he was an accountant in the employ of the American Can Company in the Regular Company in the Compan pany in the Bowling Green Building.

THROUGH BRIDGE TRAINS.

Electricity Takes Place of Steam on Brooklyn Elevated Lines.

the hospital and the House of Rest for the hospital and the House of Rest for consumptives whereby the latter's patients were cared for at St. Luke's. It then the seen found that so many consumptive patients were excluded and moreover it was felt that the hospital was not a proper place to care for so many persons affected with tuberculosis. The House of Rest has made arrangements to send its patients to the country, where they can be cared for better.

The trustees also voted to order plans the trustees also voted to o

All the engines which have been in use

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